

regation operations, 1,499 pounds of the product were found unfit and were denatured for use as hog feed.

20540. Adulteration of pecan meats. U. S. v. 105 Cartons * * *. (F. D. C. No. 34946. Sample No. 45182-L.)

LIBEL FILED: April 10, 1953, District of Massachusetts.

ALLEGED SHIPMENT: On or about January 30, 1953, by the Gold Kist Pecan Growers, from Waycross, Ga.

PRODUCT: 105 30-pound cartons of pecan meats at Somerville, Mass.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of *E. coli*.

DISPOSITION: June 15, 1953. Default decree of condemnation and destruction.

OILS AND FATS

20541. Adulteration and misbranding of table and cooking oil. U. S. v. 11 Cases * * * (and 4 other seizure actions). (F. D. C. Nos. 31211, 31212, 31232, 31324, 31597. Sample Nos. 23726-L, 23738-L, 23961-L, 23963-L, 23964-L, 25591-L, 25592-L.)

LIBELS FILED: On or about June 21 and 28, July 2, and August 3, 1951, District of New Jersey, Eastern District of Pennsylvania, and District of Connecticut.

ALLEGED SHIPMENT: Between the approximate dates of December 13, 1950, and June 16, 1951, by Santuzza Oil Co., Inc., from Brooklyn, N. Y.

PRODUCT: 56 1-gallon cans, 63 cases, each containing 6 1-gallon cans, and 12 cases, each containing 12 1-quart cans, of table and cooking oil at Newark and Jersey City, N. J., Philadelphia, Pa., and Hartford, Conn.

LABEL, IN PART: (Can) "Santuzza Brand * * * A Blend of 80% Corn and Peanut Oil 20% Pure Olive Oil."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, olive oil, had been in whole or in part omitted from the article; and, Section 402 (b) (2), an artificially colored peanut oil in certain portions of the product and an artificially colored mixture of corn oil and peanut oil or cottonseed oil in other portions of the product, with little, if any, olive oil, in any portion, had been substituted for a blend of 80 percent corn and peanut oil and 20 percent pure olive oil.

Misbranding, Section 403 (a), the label statement "A Blend of 80% Corn and Peanut Oil 20% Pure Olive Oil" was false and misleading; and, Section 403 (k), the article contained artificial coloring and failed to bear labeling stating that fact.

DISPOSITION: Santuzza Oil Co., Inc., claimant, filed answers denying that the product was adulterated and misbranded. On December 3, 1951, the libel proceedings were, with the consent of the parties, consolidated for trial in the District of New Jersey pursuant to court order. On March 20, 1953, written interrogatories were served upon the claimant by the Government but were not answered or objected to within the period prescribed. The Government thereupon filed a motion for an order striking the claimant's pleadings and for a default decree of condemnation. On October 13, 1953, the court granted the motion and entered a decree of condemnation. The court ordered that the product be delivered to charitable institutions for their use but not for sale.